



Appeal Decision

by Ken McEntee

a person appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 24 July 2025

Appeal ref: APP/F1610/L/25/3358566

- The appeal is made under Regulation 117(1)(a), (b) and (c) of the Community Infrastructure Levy Regulations 2010 (as amended).
- The appeal is brought by [REDACTED] against a surcharge imposed by Cotswold District Council.
- The relevant planning permission to which the surcharge relates is [REDACTED].
- The description of the development is: "[REDACTED]".
- Planning permission was granted on 1 February 2024.
- A Default Liability Notice was served on 2 February 2024.
- A Relief Claim Decision Notice was served on 2 February 2024.
- A Demand Notice was served on 12 December 2024.
- The alleged breach that led to the surcharge is the failure to submit a Commencement Notice before starting works on the chargeable development.
- The outstanding surcharge for failure to submit a Commencement Notice is £[REDACTED].

Summary of decision: The appeal is dismissed and the surcharge is upheld.

Procedural matters

1. For the avoidance of doubt, I can only determine the appeal on the factual evidence before me in accordance with the CIL Regulations. I have no authority to consider mitigation. I note that the appellant complains about the length of time it took the Council to issue a decision. However, if the appellant has concerns about the Council's conduct or their adopted procedures, I can only advise that she may wish to submit a complaint through the Council's established complaints process in the context of local government accountability.

The appeal under regulation 117(1)(a)

2. An appeal under Regulation 117(1)(a) is that the alleged breach which led to the surcharge did not occur. In this case, the alleged breach is the failure to submit a Commencement Notice (CN) before starting works on the chargeable development. It is clear from the evidence that a CN dated 2 February 2024 was submitted, but it was not valid as it did not state a commencement date as required by Regulation 67(2)(c) and stated "TBA" instead. It appears that works commenced on 5 November 2024 but with no further CN having been submitted. Therefore, on the evidence before me, I am satisfied that the

alleged breach which led to the surcharge occurred as a matter of fact. The appeal on this ground fails accordingly.

The appeal under Regulation 117(1)(b)

3. An appeal under this ground is that the Collecting Authority (Council) failed to serve a Liability Notice in respect of the development to which the surcharge relates. Although the relevant box has been ticked for an appeal under this ground, I note the appellant has not provided any arguments/evidence to support it and has not taken the opportunity to respond to the Council's rebuttal arguments/evidence. The Council has submitted a copy of an e-mail of 2 February 2024 to the appellant, attaching a Default Liability Notice. Therefore, in the absence of any contrary evidence before me, I conclude that the Council did not fail to serve a Liability Notice in respect of the development to which the surcharge relates. The appeal under Regulation 117(1)(b) also fails accordingly.

The appeal under Regulation 117(1)(c)

4. An appeal under this ground is that the surcharge has been calculated incorrectly. However, as with ground 117(1)(b), although the relevant box has been ticked for an appeal on this ground, the appellant has not provided any supporting arguments/evidence to explain why she believes the surcharge has been incorrectly calculated, and what she considers the correct calculation to be. I can only assume that she believes the surcharge should not have been imposed at all, as opposed to having been miscalculated. However, this issue has been addressed in paragraph 2 above. The appeal under this ground also fails accordingly.

Formal decision

5. For the reasons given above, the appeal on all grounds made is dismissed and the surcharge of £[REDACTED] is upheld.

K McEntee